


File 14497/

5HRE-BJ

DEC 24 1991

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

J.L. Gary, General Manager  
Chemical Waste Management  
Trade Waste Incineration Division  
7 Mobile Avenue  
Sauget, Illinois 62201-1069

RE: 163121 0009 St. Clair  
Off-Site Policy Notice  
Trade Waste Incineration (CWM)   
ILD 098 642 424

RCRA - Permit

Dear Mr. Gary:

On November 5, 1985, the United States Environmental Protection Agency (U.S. EPA) established "The Procedures for Planning and Implementing Off-site response Actions" (Off-site Policy). The purpose of the Off-site Policy is to avoid having Superfund generated wastes contribute to present or future environmental problems by directing these wastes to facilities which are environmentally sound.

Section 121(d)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the 1986 Superfund Amendments and Reauthorization Act (SARA), adopted and modified the U.S. EPA policy for off-site transfer of CERCLA wastes, requiring that facilities which received waste as a result of CERCLA activities be in compliance with §§3004 and 3005 of the Resource and Conservation and Recovery Act (RCRA), and all applicable State and Federal requirements. In addition, there must be no releases of hazardous waste or hazardous waste constituents from the unit receiving the waste, and all such releases from other units at the facility must be controlled by an enforceable corrective action program (detailed in a permit, order, or consent decree). On November 13, 1987, U.S. EPA revised the procedures for implementing the Off-site Policy in light of the mandates of SARA.

The purpose of this letter is to notify you that in addition to the violations for which previous unacceptability determinations were made by letters dated December 28, 1990; April 11, 1991; and August 13, 1991; the Trade Waste Incineration (CWM) facility may have additional conditions that render it

006139

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DEC 30 1991

unacceptable for receipt of off-site CERCLA (Superfund) Waste. This finding is based on a U.S. EPA review of operating records for Incinerators No. 2, 3, and 4. We notified you of 5 new violations in a letter dated December 3, 1991. The last violation listed in that notice letter identified Incinerator No. 2 as operating outside of the RCRA permit required operating conditions 23.08% of the time while treating hazardous wastes. Upon further review of that unit's available operating data for the period between February 1990 and August 1991, we have determined that this unit was in fact operating outside of the required conditions 39.62% of the time while treating hazardous wastes. In addition to the 5 violations listed in our notice letter dated December 3, 1991, we have identified 2 additional RCRA class I violations from our review of the operating records.

RCRA permit  
Section VI.a.D.2.

The permittee is required to feed wastes to Incinerator No. 3 only under the operating conditions established in Section VI.a.D.2. of the RCRA permits. U.S. EPA's review of this unit's available operating data for the period between February 1990 and August 1991 shows that it was operating outside of the required conditions, in violation of the RCRA permit, 22.39% of the time while wastes were being fed.

RCRA permit  
Section VI.b.D.2.

The permittee is required to feed wastes to Incinerator No. 4 only under the operating conditions established in Section VI.b.D.2. of the RCRA permit. U.S. EPA's review of this unit's available operating data for the period between February 1990 and August 1991 shows that it was operating outside of the required conditions, in violation of the RCRA permit, 44.86% of the time while wastes were being fed.

Pursuant to the Off-Site Policy, you may request an informal conference with Region V staff and legal counsel to discuss the basis for your facility's unacceptability determination on these new additional violations, provided that such a request is made within 10 calendar days from the date of this letter. You may submit written comments within 30 calendar days from the date of the notice in lieu of holding the conference.

If the notification of unacceptability for these new violations is confirmed after the informal conference or the submittal of written comments, this determination will become effective 60 calendar days after the date on this letter or on such later date as specified in a confirmation letter. If you fail to request an informal conference, or to submit written comments

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DEC 30 1991

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specifically addressing this notification of unacceptability, this determination will become effective for these new violations 60 days after the date on this letter.

If the notification of unacceptability is confirmed for these new violations after an informal conference or the submittal or written comments, you may request the Regional Administrator to review the unacceptability determination. Such a request must be made within 10 calendar days after the date of confirmation of unacceptability. The Regional Administrator, at his discretion, may agree to review the determination. Such a review by the Regional Administrator, if agreed to, will be conducted within 60 calendar days of this letter, if possible, but the review will not stay the effective date of the determination.

This letter is being sent by both certified mail and first class mail, in order to ensure that you receive it promptly.

If you have any questions or wish to request an informal conference, please contact Mr. Daniel Bakk, of my staff at (312) 886-3781. If you wish to discuss the unacceptability determination, please call Ms. Gertrude Matuschkovitz, Off-Site Coordinator at (312) 353-7921.

Sincerely yours,

ORIGINAL SIGNED BY  
DAVID A. ULLRICH

David A. Ullrich, Director  
Waste Management Division

✓ cc: William Child, IEPA  
Bharat Mathur, IEPA  
William Radlinski, IEPA  
Doug Clay, IEPA  
Mike Grant, IEPA, Collinsville Office  
Christine Zeman, IAG  
Edward Kenny, CWM

006141